J. K. Brim of Sulphur Springs, Hopkins County;

Mrs. George Waverly Briggs of Dallas, Dallas County;

Mrs. Bob Barker of Fort Worth, Tarrant County.

To be Members of the Board of Directors of A. and M. College (terms beginning January 10, 1939):

R. W. Briggs of Pharr, Hidalgo County, Texas;

E. J. Kiest of Dallas, Dallas County, Texas,

Have had the same under consideration and recommend that they be confirmed.

SHIVERS, Chairman.

#### Adjournment

The President called the Senate to order as in legislative session at 10:45 o'clock a. m.

On motion of Senator Brownlee, the Senate, at 10:46 o'clock a. m., adjourned until 10:00 o'clock a. m., next Monday, January 30, 1939.

# APPENDIX

# Reports of Committees on Engrossed and Enrolled Bills

Austin, Texas, January 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 84 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas, January 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 47 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

# TWELFTH DAY

(Monday, January 30, 1939)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin Moffett Beck Moore Brownlee Nelson Burns Pace Collie Redditt Cotten Roberts Graves Shivers Hardin Small Head Spears Hill Stone of Washington Isbell Kelley Sulak Van Zandt Lanning Weinert Lemens Winfield Martin Metcalfe

Absent-Excused

Stone of Galveston

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Brownlee, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 26, 1939, was dispensed with and the Journal was approved.

### Leave of Absence Granted

Senator Stone of Galveston was granted leave of absence for today on account of illness, on motion of Senator Shivers.

#### Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senators Aikin, Moffett, Spears, and Hill:

S. B. No. 116, A bill to be entitled "An Act making appropriations to supplement local funds for the support, maintenance, operations and improvement of the Public Junior Colleges of Texas named in this Act for the Two (2) fiscal years beginning

September 1, 1939, and ending August 31, 1941, prescribing the rules restricting, and prorating this money to the Public Junior Colleges of Texas, and declaring an emergency."

Referred to Committee on Finance.

By Senator Aikin:

S. B. No. 117, A bill to be entitled "An Act amending Article 2665 of the Revised Civil Statutes of the State of Texas, Acts Second Called Session, 1909, p. 432."

Referred to Committee on Education.

By Senator Aikin:

S. B. No. 118, A bill to be entitled "An Act amending Article 7043 of the Revised Civil Statutes of the State of Texas, as amended Acts 1931, Fortysecond Legislature, Second Called Session, p. 53, Ch. 32, No. 1.

Referred to Committee on Education.

By Senators Roberts and Moore:

S. B. No. 119, A bill to be entitled "An Act amending Article 7098, R. C. S. 1925 so as to place the State Treasurer on the State Tax Board in place of the Tax Commissioner; providing that the Comptroller shall be ex officio Tax Commissioner and shall discharge the duties of such office; providing that the unexpended balance of the appropriation for the office of Tax Commissioner shall revert to the General Fund; providing that all laws and parts of laws in conflict with this Act are repealed to the extent of such conflict; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Spears:

S. B. No. 120, A bill to be entitled "An Act to amend Section 21-A of Chapter 33 of the Acts of the Forty-fifth Legislature, 1937, Regular Session, Senate Bill No. 104, by providing, by this amendment of said section of said Act, that the terms of office of the Judges of the County Courts at Law, Nos. 1 and 2, of Bexar County, Texas, shall be four years; providing for the election of the Judges of said two Courts every four years, and prescribing the qualifications of said Judges; providing that the present Judges of said two Courts shall continue to hold their respective offices until their successors shall

have been elected at the general election in the year 1942 and shall have qualified; providing for the filling of vacancies in said offices, and prescribing the qualifications of any such appointee; providing that all laws and parts of laws in conflict herewith are expressly repealed; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Spears:

S. B. No. 121, A bill to be entitled "An Act amending Section 19, subsection h of Senate Bill No. 5, Acts of the Forty-fourth Legislature, Second Called Session, also known as subsection h of Section 19 of Article 3912e, and all amendments to such Act by adding thereto subsection h-2 affecting the appointment and salaries of deputies in the offices of District Clerks in all counties of 250,000 inhabitants and over, and less than 325,000 inhabitants, according to the last preceding Federal census, and in any county of a larger population; providing for the method of such appointments and salaries in such counties by the filing of an application with the district judges of such counties, to be accompanied by the statement of such district clerks; provid-ing for the order and approval by the district judges in such counties of the appointment of such deputies and the salaries to be paid such deputies; providing for the order of the Commissioners' Courts of such counties for the payment of said salaries of such deputies out of certain funds of such counties; providing for the oath to be taken by such deputies; providing for the method of discharge or removal of such deputies, and for the increase or decrease of the number of such deputies; providing for the repeal of all laws in conflict herewith; providing for a saving clause and declaring an emergency.

Referred to Committee on Counties and County Boundaries.

By Senators Cotten and Van Zandt: S. B. No. 122, A bill to be entitled

Courts at Law, Nos. 1 and 2, of Bexar County, Texas, shall be four years; providing for the election of the Judges of said two Courts every four years, and prescribing the qualifications of said Judges; providing that the present Judges of said two Courts shall continue to hold their respective shall continue to hold their respective of offices until their successors shall

IV, Section 4, Subsection (7) of Chapter 495, page 2073, allocating the occupation taxes levied and collected on oil produced within this State, repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on State Affairs.

# Senate Bill 103 on Second Reading

The President laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 103, A bill to be entitled "An Act permitting trustees of school districts in counties having a population of not less than five thousand seven hundred and ninety-six nor more than five thousand eight hundred and ninety inhabitants according to the last preceding Federal Census to issue time warrants for the purpose of taking up, refunding and extending indebtedness incurred for the legal maintenance of schools in said districts up to June 1, 1939; providing for the amount and maturity of such warrants and interest thereon and for the mode of payment, and declaring an emergency."

The bill was read second time and was passed to engrossment.

# Senate Bill 103 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 103 be placed on its third reading and final passage.

The motion prevailed by the following vote.

## Yeas--30

Aikin Beck Brownlee Burns Collie Cotten Graves Hardin Head Hill Isbell Kelley Lanning Lemens Martin Metcalfe	Moffett Moore Nelson Pace Redditt Roberts Shivers Small Spears Stone of Washington Sulak Van Zandt Weinert Winfield
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#### Absent—Excused

Stone of Galveston

The President then laid Senate Bill No. 103 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas-30

Kelley Sulak Lanning Van Zand Lemens Weinert Martin Winfield	hington dt
Metcalfe	
wietcane	

## Absent—Excused

Stone of Galveston

## Senate Bill 42 on Second Reading

Senator Winfield moved that the legislative rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 42 be considered by the Senate at this time.

The motion prevailed by the following vote:

#### Yeas-30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Isbell Kelley Lanning Lemens Martin Metcalfe	of Washington Sulak Van Zandt Weinert Winfield

#### Absent—Excused

# Stone of Galveston

On motion of Senator Winfield, Senate Rule 31a was suspended to permit consideration of the bill at this time.

The President laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 42, A bill to be entitled "An Act to amend Article 554 of the Penal Code of the State of Texas, relating loan limits of state banks and declaring an emergency."

The bill was read second time and was passed to engrossment.

# Senate Bill 42 on Third Reading

Senator Winfield moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 42 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas-30

Absent-Excused

Stone of Galveston

The President then laid S. B. No. 42 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas-30

Aikin	Burns
Beck	Collie
Brownlee	Cotter

Absent—Excused

Stone of Galveston

# Report of Standing Committee on Senate Bill 119

Senator Weinert, by unanimous consent, submitted at this time the following report of the Committee on State Affairs:

Austin, Texas, January 30, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 119, A bill to be entitled "An Act amending Article 7098, R. C. S. 1925, so as to place the State Treasurer on the State Tax Board in place of the Tax Commissioner; providing that the Comptroller shall be ex officio Tax Commissioner and shall discharge the duties of such office; providing that the unexpended balance of the appropriation for the office of Tax Commissioner shall revert to the General Fund; providing that all laws and parts of laws in conflict with this Act are repealed to the extent of such conflict; and declaring an emergency,"

Have had the same under consideration and I am instructed to report back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

## Senate Bill 119 on Second Reading

Senator Roberts moved that the legislative rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 119 be considered by the Senate at this time.

The motion prevailed by the following vote:

#### Yeas-30

#### Absent-Excused

Stone of Galveston

On motion of Senator Roberts and by unanimous consent, Senate Rules 31a and 48 were suspended severally, to permit consideration of S. B. No. 119 at this time.

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 119 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas-30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalfe	

Absent-Excused

Stone of Galveston

The President laid S. B. No. 119 before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

#### Senate Bill 119 on Third Reading

The President then laid S. B. No. 119 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas-29

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Burns	Nelson
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Spears
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Weinert
Martin	Winfield

#### Absent

Van Zandt

Absent-Excused

Stone of Galveston

# Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, January 30, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 23—Congratulating the cast of "The American Way of Life," a pageant presented at the Inauguration of the Governor and Lieutenant Governor.

H. C. R. No. 24—Granting permission to each House to adjourn

from Thursday, Jan. 26, 1939, until Monday, Jan. 30, 1939.

H. B. No. 157, A bill to be entitled "An Act creating and establishing Jackson County Road District Number Ten in Jackson County, Texas, under Article II, Section 52 of the Constitution for the purpose of the construction, operation, and mainte-nance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the District a body corporate with authority to sue and be sued; authorizing the District to issue bonds upon two-thirds vote of the qualified electors who own taxable property in said district and who have duly rendered the same for taxation, voting at an election; prescribing the method of calling and conducting such election, and the method if issuing said bonds; directing the levy, assessment, and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the District; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that portions of the District hereby created are also included in other road Districts having outstanding bonds shall not affect the District hereby created or its powers hereby granted; and providing that liability of terri-tory included in this District and other road districts which have is-sued bonds shall not be affected and for the levy, assessment and collection of taxes on said territory for said bonds; and providing that this Act shall not validate said bonds nor be construed as authorizing the creation of indebtedness in excess of the limit established by Article II, Section 52; determining that all of the lands in said District will be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other general or special law; providing that if any provision hereof is held to be invalid, such holding shall not affect the other provisions hereof; and declaring an emergency."

"An Act providing that in counties not validate any valuation placed

having a population of not less than thirty thousand five hundred and eighty-three (30,583), and not more than thirty thousand six hundred (30,600) according to the last preceding Federal Census, the County Judge may appoint a court stenographer to be called and known as the Official County Court Reporter of the County Court; to define and prescribe the duties of such Court Reporter, and fix the compensation and tenure of office, prescribing the fund from which the salary is to be paid and prescribing the taxing of costs in civil suits in which answer is filed, and declaring an emergency."

H. B. No. 209, A bill to be entitled "An Act to validate, ratify, approve, confirm and declare enforceable all levies and assessments of ad valorem taxes heretofore made by county line independent school districts, partly situated in three or more counties, the supervision of said school being located in counties having a population not less than 17,000 nor more than 17,500, as shown by the last preceding Federal Census, not in excess of a limit now provided by law. Such levies validated are the same as are now on record in the Auditor's Division of The State Department of Educa-Such levies and assessments tion. are void or unenforceable because the same were made and adopted by resolution, motion, or other in-formal action, and because of the failure of the governing body of such districts to appoint the proper and statutory Board of Equalization; and which are insufficient and void, or unenforceable on account of technical irregularities in the manner of preparing the books and reports of Assessors assessing such property; and all equalizations of said valuations of such property for taxation purposes made by Boards of Equalization acting the for any such school districts, which are irregular or insufficient because the reports of such equalization were adopted and accepted orally, or by other informal action; and the acts of making such equalization were made orally or informally, or in incomplete form; providing this Act shall not affect suits pending at the time same becomes effective; and H. B. No. 251, A bill to be entitled further providing that this Act shall

upon property by any Board of Equalization or any Tax Assessor where such property has been valued in excess of its reasonable cash market value, or where such property has been discriminated against as to value or placed upon the rolls at a higher value than property of like kind and character; or at a greater percentage of its value than other property assessed for taxation, and declaring an emergency."

Respectfully submitted,
E. R. LINDLEY,
Chief Clerk,
House of Representatives.

#### House Bills on First Reading

The following bills, received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

- H. B. No. 251, to Committee on Counties and County Boundaries.
- H. B. No. 157, to Committee on Highways and Motor Traffic.
- H. B. No. 209, to Committee on State Affairs.

# House Concurrent Resolutions

The following concurrent resolutions received from the House today, were laid before the Senate, read severally and referred to the committees indicated:

- H. C. R. No. 23, to Committee on Internal Improvements.
- H. C. R. No. 24, to Committee on Rules.

## Hour for Executive Session Set

Senator Shivers asked unanimous consent of the Senate that 11:15 o'clock a. m. today be set as the hour for the Senate to go into executive session to consider certain nominations heretofore submitted by the Governor.

There was no objection offered, and it was so ordered.

# **Executive Session**

The President, at 11:15 o'clock, a.m., announced that the hour here-tofore fixed for an executive session of the Senate had arrived.

The Sergeant-at-Arms was directed to clear the floor and galleries of all those not entitled to attend the executive session and to close all doors leading from the Senate Chamber.

#### After Executive Session

At the conclusion of the executive session, the Secretary of the Senate reported to the Journal Clerk that the Senate had refused to adopt the following report:

Committee Room, Austin, Texas, January 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Dear Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointment:

Carr P. Collins, to be Chairman of the State Highway Commission.

Have had the same under consideration and recommend that he be confirmed.

SHIVERS, Chairman.

# In Legislative Session

At 11:23 o'clock a. m., the President called the Senate to order as in legislative session.

## House Concurrent Resolution 23

On motion of Senator Aikin, and by unanimous consent, Senate Rule 48 was suspended and the regular order of business was suspended, to take up for consideration at this time:

H. C. R. No. 23, Congratulating the cast of the pageant, "The American Way of Life," presented at the ceremonies to inaugurate the Governor and Lieutenant Governor.

The President laid the resolution before the Senate, and it was read and was adopted.

#### Senate Bill 104 Ordered Printed

On motion of Senator Pace, it was ordered that S. B. No. 104 be printed in advance of its consideration in committee.

# Report of Standing Committee

Senator Cotten, by unanimous consent, submitted at this time the fol-

lowing report of the Committee on Counties and County Boundaries:

Austin, Texas, January 30, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 251, A bill to be entitled "An Act providing that in counties having a population of not less than thirty thousand five hundred eighty-three (30,583) and not more than thirty thousand six hundred (30,600) according to the last preceding Federal Census, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

#### Suspension of Legislative Rule

Senator Cotten moved that the legislative rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended to permit consideration by the Senate of H. B. No. 251.

The motion prevailed by the following vote:

#### Yeas-30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	$\mathbf{Redditt}$
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalfe	

Absent-Excused

Stone of Galveston

### Senate Investigating Committee

Pursuant to S. R. No. 6, the President announced the appointment of

the following Senate Investigating Committee: Senators Moore, Collie, Hill, Stone of Washington and Weinert.

#### Additional Signers of S. B. 104

Senators Van Zandt and Beck asked unanimous consent of the Senate that their names be added to Senate Bill No. 104 as signers thereof.

There was no objection offered, and it was so ordered.

#### Adjournment

On motion of Senator Spears, the Senate, at 11:35 o'clock a. m., adjourned until 10:00 o'clock a. m., tomorrow.

#### APPENDIX

## Reports of Committee on Engrossed Bills

Austin, Texas, January 30, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 119 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas, January 30, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 103 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas, January 30, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 42 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas, January 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 76 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

#### THIRTEENTH DAY

(Tuesday, January 31, 1939)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called and the following Senators were present:

Aikin Moore Beck Nelson Brownlee Pace Burns Redditt Collie Roberts Shivers Cotten Small Graves Hardin Spears Stone Head Hill of Galveston Isbell Stone of Washington Kelley Sulak Lanning Van Zandt Lemens Weinert Martin Metcalfe Winfield Moffett

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

# Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, January 31, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to Regular Seinform the Senate that the House has Legislature:

passed the following bills and resolution:

H. C. R. No. 26, Providing for a Joint Session of the State Legislature on March 3, 1939, for the purpose of hearing an address by the Honorable Nathan Straus.

H. B. No. 71, A bill to be entitled "An Act regulating the election of judges and clerks and the appointment of supervisors; prescribing their number and rates of pay and the duties of supervisors in all elections for the election of officers in all cities in this State having a population in excess of two hundred thousand (200,000) and less than two hundred and sixty thousand (260,000) by the last preceding Federal Census or any future Federal Census; providing for its enforcement; providing for partial invalidity; repealing all the portions of laws, charter provisions and ordinances in conflict therewith; defining a local political party, and declaring an emergency."

H. B. No. 201, A bill to be entitled "An Act to amend Sec. 1 of Art. 2691B, Chap. XI, Title 49 of the Revised Statutes, as enacted by the First Called Session of the Fortysecond Legislature, and being found in Acts of 1931, Chap. XXXIX, at Page 83, by providing for the addition thereto of Lamar County, and declaring an emergency."

H. B. No. 233, A bill to be entitled "An Act to validate the establishment of Independent School Districts in counties having not less than 10,000 nor more than 20,000 population, according to the last preceding Federal Census, as established by the Act of the County Boards of School Trustees of such counties, and ratifying and confirming said Act of such Boards, and declaring an emergency."

Respectfully submitted,
E. R. LINDLEY, Chief Clerk,
House of Representatives.

#### Report of Senate Investigating Committee

Senator Collie submitted the following report of the Senate Investigating Committee, appointed pursuant to S. R. No. 12, adopted at the Regular Session of the Forty-fifth Legislature: